

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*
Plaintiffs,

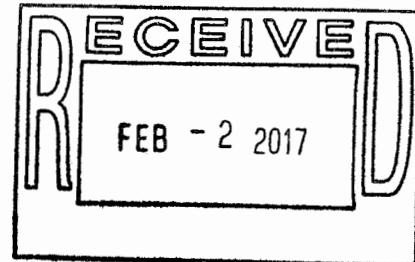
v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,
Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323



Civ. Action No.: 14-cv-00029-AB

STIPULATION AND [PROPOSED] ORDER¹ *ABC*

This Stipulation and Agreement, dated February [1], 2017, is made and entered into by and among the National Football League and NFL Properties LLC (the "NFL Parties"), and Class Counsel (collectively, the "Parties").

WHEREAS, on April 22, 2015, this Court issued a Memorandum (ECF No. 6509) and Final Order and Judgment (ECF No. 6510), and on May 8, 2015, an amended Final Order and Judgment (ECF No. 6534), approving the Settlement Agreement in its entirety;

¹ Unless otherwise noted, the terms used in this Order that are defined in the Settlement Agreement have the same meanings in this Order as in the Settlement Agreement.

WHEREAS, on May 4, 2015, Claims Administrator BrownGreer PLC, in accordance with the Final Order and Judgment and the Settlement Agreement, filed the list of Opt Outs who timely submitted proper requests to opt out in compliance with Section 14.2(a) of the Settlement Agreement, including Retired NFL Football Player Mark Washington (ECF No. 6533);

WHEREAS, Mark Washington has since submitted a written request seeking to revoke his Opt Out request (*see* Exhibit 1 (Declaration of Orran L. Brown, Sr.));

WHEREAS, the Parties have agreed to accept the revocation request submitted by Mark Washington, subject to Court approval, because he submitted the request before Opt Out litigation has commenced in this Court;

AND NOW, this [14] day of February, 2017, it is hereby stipulated and agreed by the Parties that the revocation request submitted by Mark Washington is accepted, subject to Court approval, because he submitted the request before Opt Out litigation has commenced in this Court.

It is so STIPULATED AND AGREED,

By: 

Date: February 1, 2017

Christopher Seeger
SEAGER WEISS LLP
77 Water Street
New York, NY 10005
Phone: (212) 584-0700
cseeger@seegerweiss.com

Class Counsel

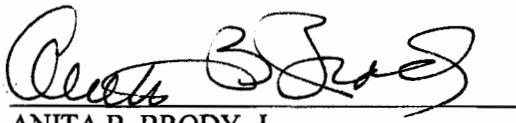
By: Brad S. Karp 

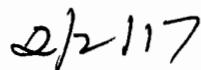
Date: February 1, 2017

Brad S. Karp
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
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New York, NY 10019-6064
Phone: (212) 373-3000
bkarp@paulweiss.com

Counsel for the NFL Parties

It is so **ORDERED**, based on the above Stipulation and the accompanying Declaration of Orran L. Brown, Sr., that the revocation request submitted by Mark Washington is approved and the Claims Administrator is **DIRECTED** to post a revised list of Opt Outs forthwith excluding Mark Washington.


ANITA B. BRODY, J.



Copies VIA ECF on _____ to:

Copies MAILED on _____ to:

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE	:	No. 2:12-md-02323-AB
PLAYERS' CONCUSSION INJURY	:	
LITIGATION	:	MDL No. 2323
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THIS DOCUMENT RELATES TO:	:	Hon. Anita B. Brody
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ALL ACTIONS	:	
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DECLARATION OF ORRAN L. BROWN, SR.

I, ORRAN L. BROWN, SR., hereby declare and state as follows:

1. My name is Orran L. Brown, Sr. I am the Chairman and a founding partner of BrownGreer PLC, located at 250 Rocketts Way, Richmond, Virginia 23231. BrownGreer PLC is the Claims Administrator under the Class Action Settlement Agreement in this action.
2. I am over the age of 21. The matters set forth in this Declaration are based upon my personal knowledge and information.
3. I submit this Declaration to describe an Opt Out revocation request that we received recently.
4. In its April 22, 2015 Final Approval Order and Judgment, the Court directed the Claims Administrator to post a list of Opt Outs as of that date. Accordingly, we posted on the official Settlement website a list of the Opt Outs that were timely and included all the elements required for a valid Opt Out under Section 14.2(a) of the Settlement Agreement (175 names at the time) and a list of the Opt Outs that were untimely and/or were missing one or more of Section 14.2(a)'s required elements (33 names at the time).
5. Section 14.2(c) of the Settlement Agreement provides that a Class Member who had Opted Out but wished to revoke that Opt Out could submit a written request to do

so “[p]rior to the Final Approval Date.” At various times after the April 22, 2015 Final Approval Date, 18 people who had Opted Out submitted requests to revoke their Opt Outs. The Parties to the Settlement Agreement agreed to accept those revocation requests, subject to Court approval, and reported the revocation requests to the Court. By Orders of July 15, 2015 (Document 6642), December 22, 2015 (Document 6713), January 26, 2016 (Document 6739), September 15, 2016 (Document 6907), October 25, 2016 (Document 6924), November 8, 2016 (Document 6937), December 21, 2016 (Document 7033), January 18, 2017 (Document 7084), and January 20, 2017 (Document 7097), the Court approved all the revocations. As a result, we no longer counted those people as Opt Outs and posted on the Settlement website a revised list of Timely Opt Out Requests Containing All Information Required by Section 14.2(a) or Otherwise Approved by the Court (the “Timely Opt Out List”) to reflect the results of the Orders. That Timely Opt Out List now contains 162 names, including the five people whose Opt Outs the Court directed be added to that list in its Order of September 8, 2016 (Document 6902).

6. On January 31, 2017, we received a letter from Mr. Mark Washington asking to revoke his Opt Out. Mr. Washington is on the Timely Opt Out List. I have attached a copy of his letter, with his address redacted, to this Declaration. The Parties to the Settlement Agreement have agreed to accept this revocation request, subject to Court approval. If the Court grants its approval, we no longer will count Mr. Washington as an Opt Out and, upon the Court’s direction, we will post a revised Timely Opt Out List on the Settlement website.

I, Orran L. Brown, Sr., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on this 31st day of January, 2017.



Orran L. Brown, Sr.

MARK WASHINGTON

January 18, 2017

VIA FACSIMILE: 212-757-3990

Paul, Weiss, Rifkind, Wharton & Garrison, LLP
Attn: Brad S. Karp
1285 Avenue of the Americas
New York, NY 10019-6064

VIA FACSIMILE: 212-584-0799

Seeger Weiss LLP
Attn: Christopher A. Seeger
77 Water Street
New York, NY 10005

VIA FACSIMILE: 212-521-7299

Orran L. Brown, Sr.
Claims Administrator
Brown Greer PLC
250 Rockies Way
Richmond, VA 23231

Re: *In re National Football League Players' Concussion Injury Litigation;*
Case No. 12-md-2323; MDL No. 2323;
Revocation of Opt-Out of Plaintiff Mark Washington

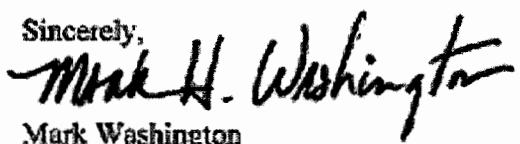
Dear Sirs:

Pursuant to Section 14.2(e) of the Class Action Settlement Agreement (as amended), in the above-referenced litigation, I, MARK WASHINGTON, hereby state that I wish to revoke my Opt-Out request to be excluded from the Settlement Class.

It is my wish that I be restored to a member of the Settlement Class.

Thank you.

Sincerely,



Mark Washington

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served electronically via the Court's electronic filing system on the 1st day of February, 2017, upon all counsel of record.

Dated: February 1, 2017

/s/ Brad S. Karp
Brad S. Karp